

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:02CR148**

UNITED STATES OF AMERICA

vs.

ROBERT HOWARD STONE,

Defendant.

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ORDER

THIS MATTER is before the Court on the United States Probation Officer's Letter filed December 21, 2005, requesting that the Court strike Defendant's November 10, 2005 supervised release violation petition.

On June 16, 2004, Defendant was sentenced to 18 months imprisonment and three years supervised release for uttering counterfeit obligations, in violation of 18 U.S.C. § 471. On August 17, 2005, Defendant was ordered to serve 60 days home confinement, due to new law violations of Urinating in Public (05CR28254) and Misdemeanor Larceny (05CR233717), which were received in the Mecklenburg Country District Court on June 21, 2005 and July 21, 2005 respectively. Upon his initial placement on home detention, voice recognition technology was used to monitor Defendant's compliance. However, the sanction was graduated to electronic monitoring due to the Defendant's non-compliance with the voice recognition program. On October 20, 2005, the home detention sanction was extended from 60 days to six (6) months due to Defendant's subsequent conviction for Disorderly Conduct (05CR246392), received October 4, 2005 in the Mecklenburg County District Court.

On November 7, 2005, a violation petition was issued citing the Defendant with multiple

violations of his home detention sanction, and a violation summons was issued November 10, 2005. Defendant appeared before United States Magistrate Judge David Keesler on November 17, 2005. Magistrate Judge Keesler released Defendant on a \$25,000 unsecured bond and ordered that Defendant remain on home detention with electronic monitoring. Since Defendant alleged that his electronic monitoring equipment was malfunctioning, on November 18, 2005, new equipment was installed at the Defendant's residence and the original electronic monitoring equipment was returned to BI, Inc. for evaluation.

Since November 2005, Defendant has accrued another series of home detention violations. However, on December 20, 2005, the United States Probation Office received a report from BI, Inc., indicating that Defendant's original transmitter was malfunctioning. Due to this malfunction, the United States Probation Office asks the Court to dismiss Defendant's supervised release violation petition issued November 10, 2005.

IT IS, THEREFORE, ORDERED that the United States Probation Office's Letter filed December 21, 2005, requesting that the Court strike Defendant's November 10, 2005 supervised release violation petition is hereby **GRANTED**. The violation petition filed November 10, 2005 is hereby **DISMISSED**.

The Clerk is directed to send copies of this Order to the Defendant, defense counsel, the United States Attorney, the United States Probation Office, and the United States Marshal Service.

Signed: March 21, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line drawn through the middle of the letters.

Richard L. Voorhees
Chief United States District Judge

